HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C). No.254/2007

APPELLANTS CLAIMANTS

01. Thanwarin Yadav, Wd/o Padum lal Yadav, Aged about 30 years.

02. Rupesh Kumar Yadav, S/o Padum lal Yadav, Aged about 7 years.
03. Ku. Rinki Yadav, D/o Padum lal Yadav, Aged about 5 years.
04. Ku. Renu Yadav, D/o Padum lal Yadav, Aged about 3 years.
05. Ku. Sukwaro Yadav, D/o Padum lal Yadav, Aged about 1 years.
06. Mehatarin Yadav, D/o Padum lal Yadav, Aged about 55 years.
07. Kanhaiya Ram Yadav
S/o Late Dukhu Yadav, aged about 60 years.

Appellants No.2, 3, 4 & 5 are represented by legal guardian mother Thanwarin Bai Yadav.
All resident of Village Taresar, P.S. Dharsiwa, District Raipur (C.G.)

versus

RESPONDENTS NON-APPLICANTS

1. Mesors Anand Construction, Raipur Through- Manakchand Jain, Vivekanand Nagar, District Raipur (C.G.)

2. National Insurance Company Limtied, through Divisional Manager, National Insurance Company Limited, G. E. Road, Raipur, Tehsil and District – Raipur (C.G.)

Miscellaneous Appeal under Section 30 of the Workmen Compensation Act, 1923.

Present : Shri S. C. Verma, counsel for the appellant.
Shri Raj Awasthi, counsel for respondent No.2.

ORAL ORDER
(Passed on 12th October, 2007)

Heard.

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Learned counsel for the appellant seeks permission to withdraw this appeal with a prayer that liberty be granted to the appellant to make an application before the Commissioner for Workmen's Compensation for award of penalty against employer under sub rule-3 of Section-4 (A) of the Workmen's Compensation Act, 1923.

Reserving the aforesaid liberty, this appeal is dismissed as withdrawn. Upon such an application being made, the Commissioner for Workmen's Compensation, Labour Court, Raipur, after complying with the proviso to sub rule-3(b) of Section 4 (A) of the Workmen's Compensation Act, 1923, shall decide the application on its own merits.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane